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PAO-233 (6550001AA)

PATENT APPLICATION



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Bernard Fay et al.

Serial No.: 09/881,026

Group Art Unit: 1756

Filed: June 15, 2001

Examiner: C. Young

For: AUTOMATED OVERLAY METROLOGY SYSTEM

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO REQUIREMENT FOR RESTRICTION AND
AMENDMENT UNDER 37 C. F. R. §1.111

Sir:

In response to the Office Action mailed November 26, 2002, Applicant provisionally elects, with traverse, the invention of Group I, claims 1 - 10, as identified by the Examiner. Further, please amend the above-identified application as follows:

In the claims:

Please substitute the following claim 12 for the like-numbered claim as originally filed. A marked up copy of this claim showing the current changes is attached as an appendix to this amendment.

12. (Amended) A non-imaging metrology apparatus comprising

means for storing spectral curves,

a specular spectroscopic scatterometer for measuring reflection from a plurality of marks formed by two levels of lithographic exposures and forming a periodic structure, and

means for comparing processed signals output from said specular spectroscopic scatterometer with said spectral curves to evaluate misalignment of said two lithographic exposures.

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